

## **Chapter 839. WELFARE TO WORK**

### **Subchapter B. NONDISCRIMINATION AND EQUAL OPPORTUNITY**

#### **40 TAC §839.11**

The Texas Workforce Commission (Commission) proposes amendments to §839.11 relating to the applicable procedure for resolving nondiscrimination and equal opportunity complaints under the Welfare to Work Act. It is proposed that §839.11 be amended to reflect the use of Workforce Investment Act (WIA) nondiscrimination rules rather than the Job Training Partnership Act nondiscrimination rules in processing complaints of discrimination by participants in Welfare to Work activities. Concurrent with this filing, the Commission is proposing the repeal of Chapter 805, Subchapter H relating to the Job Training Partnership Act nondiscrimination and equal opportunity provisions. The Commission is also proposing new §§841.201-841.215 relating to the nondiscrimination and equal opportunity requirements of the Workforce Investment Act (WIA) to be published in this issue of the Texas Register .

Randy Townsend, Chief Financial Officer, has determined that for the first five years the amendments are in effect, the following statements will apply:

there are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the amendments;

there are no estimated reductions in costs to the state or to local governments expected as a result of enforcing or administering the amendments;

there are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the amendments;

there are no foreseeable implications relating to costs or revenues to the state or to local governments expected as a result of enforcing or administering the amendments; and

there are no anticipated costs to persons who are required to comply with the amendments as proposed.

Mr. Townsend has also determined that there is no anticipated adverse impact on small businesses as a result of enforcing or administering the amendments because the costs required to comply with the amendments are costs directly required to comply with federal statute and regulations.

Barbara Cigainero, Director of Workforce Development, has determined that the public benefit anticipated as a result of the amendments as proposed will be to assure compliance with federal statutory and regulatory requirements for nondiscrimination and equal opportunity, and to assist the Boards in meeting these requirements and preventing any interruption in access to federal funds.

Mark Hughes, Director of Labor Market Information, has determined that there is no foreseeable negative impact upon employment conditions in this state as a result of these proposed amendments.

Comments on the proposed amendments may be submitted to Pat Garland, Equal Opportunity Office, Texas Workforce Commission, 101 East 15th Street, Room 220, Austin, Texas, 78778; Fax Number (512) 463-2444; or E-mail to [pat.garland@twc.state.tx.us](mailto:pat.garland@twc.state.tx.us).

The amendments are proposed under Texas Labor Code §301.061 and §302.002, which provide the Texas Workforce Commission with the authority to adopt, amend or repeal such rules as it deems necessary for the effective administration of Commission services and activities.

The proposal affects Texas Labor Code, Title 4, and Texas Government Code, Chapter 2308.

#### *§839.11.Applicability.*

In accordance with 20 CFR §645.255, this subchapter establishes the state WIA [~~JTPA~~] rules regarding Nondiscrimination and Equal Opportunity, located in §§841.208-841.215 [~~§805.260~~] of this title (relating to Workforce Investment [~~Job Training Partnership~~] Act Rules) [~~et seq.~~] as the applicable procedure for resolving Nondiscrimination and Equal Opportunity complaints in the Welfare to Work Act, except as otherwise provided in this subchapter.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State, on July 10, 2000.

TRD-200004747

J. Randel (Jerry) Hill

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: August 20, 2000

For further information, please call: (512) 463-8812